

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HGM,

Plaintiff,

-v-

SOLO INTERNATIONAL INC. *et al.*,

Defendants.
-----X

22 Civ. 7149 (JPC) (KHP)

ORDER

JOHN P. CRONAN, United States District Judge:

Plaintiff filed the Complaint in this action on August 22, 2022, and filed the Amended Complaint on September 6, 2023. Dkts. 1, 5. Defendants answered the Amended Complaint on January 6, 2023, and filed counterclaims. Dkt. 17. Plaintiff answered Defendants' counterclaims on February 7, 2023. Dkt. 20. Subsequently, after multiple attempts to schedule a settlement conference, Defendants' counsel filed a motion to withdraw from his representation, Dkt. 28, which the Honorable Katharine H. Parker granted on August 24, 2023, Dkt. 29. No counsel has since appeared for the Defendants, despite multiple orders from Judge Parker reminding the two corporate Defendants, Solo International Inc. and Solo Comfy Cozy LLC, that they may not appear *pro se*. See Dkts. 29, 31. Judge Parker scheduled a status conference for December 11, 2023, Dkt. 33, at which Defendants did not appear. The undersigned then ordered the parties to appear for a status conference today, January 11, 2024, at 10:00 a.m. Dkt. 34. Plaintiff served a copy of the Order scheduling this morning's conference on Defendants, Dkt. 35, yet Defendants again failed to appear.

Accordingly, it is ordered that no later than January 18, 2024, Plaintiff shall seek a certificate of default. By February 12, 2024, Plaintiff shall move for default judgment as to Defendants, in


accordance with Local Civil Rule 55.2 and 3.D of the Court's Individual Rules and Practices for Civil Cases, or show cause why this case should not be dismissed for failure to prosecute. Pursuant to this Court's Individual Rules, Plaintiff must serve his motion for default judgment and supporting paperwork on Defendants by February 12, 2024, and must file an Affidavit of Service on ECF by February 14, 2024. Defendants shall file any opposition to the motion for default judgment no later than February 26, 2024. Plaintiff shall file any reply no later than March 4, 2024.

It is further ordered that Defendants appear and show cause at a hearing before this Court on April 17, 2024, at 11:00 a.m., why an order should not be issued granting a default judgment against Defendants. That hearing shall take place telephonically. At the scheduled time, counsel for all parties should call (866) 434-5269, access code 9176261. In the event that Defendants do not appear, Plaintiff's counsel should be prepared to discuss any communications with Defendants or representatives for Defendants regarding their litigation and any intent to challenge the suit, including discussions about the alleged illegal conduct prior to the filing of the lawsuit; how Defendants were served with the Summons and Amended Complaint and this Order; why Plaintiff's counsel is confident that Defendants have been served with those documents and has received notice of the hearing; and the method for calculating damages. In the event that any Defendant appears in this action and opposes the motion for default judgment prior to the scheduled court appearance on April 17, 2024, that court appearance shall also serve as an Initial Case Management Conference pursuant to 5.B of the Court's Individual Rules and Practices in Civil Cases.

It is further ordered that Plaintiff serve Defendants via overnight courier with a copy of this Order and file proof of such service on the docket by January 18, 2024.

SO ORDERED.

Dated: January 11, 2024
New York, New York



JOHN P. CRONAN
United States District Judge